Advent Systems v. Unisys Corp. (3rd Cir. 1991)

- Advent makes EDMS, a hardware/software solution
- Unisys becomes distributor in the U.S.
- Is the EDMS solution goods or services under the UCC?
  - UCC definition of a good
  - What predominates in the transaction at issue?
  - What predominates generally?
- If goods, is there a violation of the statute of frauds?
  - Analogy to non-exclusive requirements K
Architectronics, Inc. v. Control Systems, Inc. (SDNY 1996)

- SDLA among Arch.; CSI; and CADSource
- Original work; what was derivative work?
- Choice of procedural law analysis by Dist. Ct.
- Breach of K SOL – 4 or 6 years?
- Confidentiality K of 8/13/1987 SOL?
- SDLA SOL for alleged license breach?
- Trade Secret misappropriation SOL?
- Disposition of the TS claim by the court

Apple Computer v. Microsoft (9th Cir. 1994)

- Scope of settlement agreement and licenses granted
- Apple’s current complaint
Keeping Secrets in Code and Content . . .

- Encoded to Disclose

```csharp
// Distrib.cs
namespace Collide
{
    using System;
    /// <summary>
    /// These classes implement different distributions, DistFunc is the abstract base class
    /// DistFuncLinear, DistFuncSquared, and DistFuncInverse return different distributions
    /// </summary>
    public abstract class DistFunc
    {
        public DistFunc() {}
        public DistFunc(int count)
        {
            this.count = count;
        }
        public abstract float Value(int index);
        protected int count = 0;
    }
    public class DistFuncLinear : DistFunc
    {
        public DistFuncLinear(int count) : base(count) {}
        public override float Value(int index)
        {
            return (1.0f / (float) count);
        }
    }
}
```
U.S. Software Protection via Copyright

The limited right to exclude others from:

- Reproducing
- Creating derivative works
- Distributing
- Publicly performing or displaying

Rights available to a copyright holder

Direct Copies
“RAM” Copies

Literal -- Non-Literal

Structure
Sequence
Organization

Code as a literary work


Interface(s) - Input/Output

U.S. Software Protection via Copyright

#include <iostream.h>
main()
{
    for(;;)
    {
        cout << "Hello World! ";
    }
}

#include <iostream>
int main()
{
    std::cout << "Hello, 
world!\n";
}

Abstraction
Main Purpose
Program Structure
Modules
Algorithms / Data Structures
Source Code
Object Code

Filtration
- pure idea
- dictated by efficiency
- required by factors external to the program
- public domain

Comparison
- substantial similarity inquiry of what remains
- determine whether defendant copied protected expression

Non-literal infringement of code